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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,746	10/29/2003	Dan Coppus	RANPP0346USA	6320
23908 7590 08/22/2007 RENNER OTTO BOISSELLE & SKLAR, LLP 1621 EUCLID AVENUE NINETEENTH FLOOR CLEVELAND, OH 44115			EXAMINER HARMON, CHRISTOPHER R	
			ART UNIT 3721	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/696,746

Applicant(s)

COPPUS ET AL.

Examiner

Christopher R. Harmon

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-23 and 29-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-23 and 29-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/22/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed 6/26/07 has not been entered. Note that supplemental amendments are not entered as a matter of right under 37 CFR 1.111. Further note that the alleged allowable subject matter submitted therein is not considered by the examiner as novel, as described below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 8-10 are rejected under 35 U.S.C. 102(a) and (e) as anticipated by Harding (US 6,756,096) or, in the alternative, under 35 U.S.C. 103(a) as obvious over Harding (US 6,756,096) in view of Johnson (US 3,509,797).

Harding discloses a method of supplying fan-folded sheet stock material to a dunnage converting comprising two or more stacks of fan folded material spliced together and fed to the converter; see figure 3. Note that Harding suggests at various numbers of plies to be stacked and spliced; see column 7, lines 40+. Therefore the stack as shown in figure 3 is considered 3 stacks interleaved together which is then

spliced/joined to a previously fed stack to the converter. The stacks are inherently positioned proximate to the converter.

Alternatively, under the interpretation that Harding merely discloses a multi-ply stack each ply joined to a respective ply in series fed to the converter but not from respective stacks, Johnson clearly shows an alternative feeding process from two separate sources 164a and 164; see figure 25. Because Harding clearly discloses supplying dunnage converters via either rolls or stacks, it would have been obvious to one of ordinary skill in the art at the time of the invention to include feeding sheet material from multiple sources as taught by Johnson in the invention to Harding for supplying a desired number of plies.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as obvious over Harding (US 6,756,096).

Harding does not directly disclose the positioning of the stacks however, as admitted, it is well known in the art to position stacks either horizontally or vertically with respect to one another. It would have been obvious to one of ordinary skill in the art to position the stacks vertically and/or horizontally in the invention to Harding to supply the material.

The common knowledge modification in the above paragraph is taken to be admitted prior art because applicant failed to traverse the examiner's previous assertion of Official Notice.

6. Claims 10-14, 16-20 and 29 are rejected under 35 U.S.C. 103(a) as obvious over Simmons, Jr. (US 5,387,173) in view of Beduhn et al. (US 6,673,185) or Harding (US 6,756,096).

Simmons, Jr. discloses a conversion system comprising a dunnage converter 54 with upright and transverse members 36 and fan folded stock material; see figure 1. Simmons, Jr. provides for palletizing boxes of fan folded stock material for conversion (see column 5, lines 18-22). Given the dimensions of the boxes 20 "palletizing" the stock material includes multiple boxes stacked horizontally and vertically and a system with two or more stacks of fan folded stock material are provided with a portable support device; i.e. a pallet. Simmons, Jr. does not directly disclose connecting the stacks however Beduhn et al. teach splicing or connecting fan folded stacks together and then feeding to a manufacturing process; see figure 1. Harding discloses splicing stacks together for feeding to a converter; see above.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include connecting or splicing the stacks together as taught by Beduhn et al. or Harding in the invention to Simmons, Jr. in order to continuously run the converter machine without reloading each stack end and avoiding downtime.

Regarding claim 17, Simmons, Jr. does not directly disclose the transverse member of the support as moveable to height above the stacks, however does state

Art Unit: 3721

that the fan-folded stock material is compatible with the conversion machine of US patent application #07/712,203 (see column 6, line 59) now US patent #5,123,889. The conversion machine in patent '889 clearly shows dunnage conversion machines 20 mounted on transverse member 336 connected to transversely spaced upright members 332 at the ends by slide member 334; see figures 13 and 14. Given that the transverse member of Simmons, Jr. may interfere with the varying heights of stacks being fed to the converter, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide for adjustable heights of the transverse member as provided by Armington et al. and incorporated by reference in the invention of Simmons, Jr. since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. See also, *In re Stevens*, 101 USPQ 284 (CCPA 1954).

7. Claims 1-16, 18-19 and 29-32 are rejected under 35 U.S.C. 103(a) as obvious over Ratzel (US 5,823,936) in view of Beduhn et al. (US 6,673,185) or Harding (US 6,756,096).

Ratzel discloses a dunnage converter with a supply of stock material as taught by Simmons, Jr. in US 5,387,173; see above and column 5, lines 21-23. Ratzel discloses the use of a cart for positioning the stock supply; see column 7, lines 22-26. It is not clear as to the specific teaching of Ratzel of supplying the fan stock supply to the converter, however given the disclosure of palletizing multiple stacks (in boxes 20) of fan stock material for use in the dunnage converter the loading of the converter would incorporate positioning the stacks proximate the converter for conversion.

Beduhn et al. disclose splicing stacks and using for a manufacturing process; see above. Harding teaches splicing fan folded leading end to the trailing end during a conversion process so as to prevent downtime; see figure 3. At least two stacks are simultaneously conveyed to the converter of the multi-ply stacks of stock material after the splicing operation. It would have been obvious to one of ordinary skill in the art to load the stock material as taught by Harding or Beduhn et al. in the invention to Ratzel for providing for a continuous converting process. Note: the limitation of sequential loading without interruption (claim 6) could be interpreted as broadly as an operator placing another stack upon the support.

Note: regarding claims 18-19 only Beduhn et al. applies as Harding does not specifically disclose the claimed configuration. See Beduhn et al. figure 1; support device 10.

8. Claims 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ratzel (US 5,823,936) in view of Beduhn et al. or Harding, as noted supra, and further in view of Simmons, Jr. et al. (US 6,095,454).

The cart of Ratzel is not fully disclosed however Simmons, Jr. et al. teaches a dunnage conversion system with a cart for supporting multiple supplies of stock material comprising upright members 92 with an inward channel which would support the stacks of stock material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the cart of Simmons, Jr. in the modified invention to Ratzel for supplying multiple stacks of stock material for the conversion process.

Art Unit: 3721

9. Claims 20 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons, Jr. (US 5,387,173) in view of Beduhn et al. (US 6,673,185) and further in view of Crowley (US 6,027,298).

Simmons, Jr. does not directly disclose the configurations of the stacks either on the pallet or cart however Crowley teaches a cart 340 with pallets 350 for handling/storing stacks 348 of fan-folded paper material; see figure 22. The stacks of fan-folded paper material are vertically stacked. It would have been obvious to one of ordinary skill in the art at the time the invention was made to palletize the stacks of fan-folded material according to the invention to Crowley in the modified invention of Simmons, Jr. in order to store the supply of conversion material.

10. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons, Jr. (US 5,387,173) in view of Beduhn et al. (US 6,673,185) and further in view of Slaters, Jr. et al. (US 6,068,125).

Simmons, Jr. does not directly disclose the configurations of the stacks on the pallet however Slaters, Jr. et al. disclose storing multiple stacks of fan-folded material 10 horizontally stacked upon pallet 27; see figure 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to palletize the stacks of fan-folded material according to the invention to Slaters, Jr. et al. in the invention of Simmons, Jr. in order to store the supply of conversion material.

Response to Arguments

11. Applicant's arguments filed 5/22/07 have been fully considered but they are not persuasive. Regarding claim 10 and the common knowledge modification previously

taken (Official Notice), in order to adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b). See MPEP 2144.03(c) and also *Chevenard*, 139 F.2d at 713, 60 USPQ at 241. note that during patent examination, the pending claims must be interpreted as broadly as their terms reasonably allow. *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 320,322 (Fed. Cir. 1999). In determining the patentability of claims, the PTO gives claim language its broadest reasonable interpretation" consistent with the specification and claims. *In re Morris*, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997). See MPEP § 904.1.

Note that a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond that person's skill. While evaluating obviousness, one must ask whether the improvement is more than the predictable use of prior-art elements according to their established functions; see *KSR Int. v. Teleflex 550 US__* (2007).

To determine whether there was an apparent reason to combine the known elements in the way a patent claims, it will often be necessary to look to interrelated teachings of multiple patents; to the effects of demands known to the design community or present in the marketplace; and to the background knowledge possessed by a person having ordinary skill in the art; *ibid*.

The analysis need not seek out precise teachings directed to the challenged claimed specific subject matter, for a court can consider the inferences and creative

steps a person of ordinary skill in the art would employ. Under the correct analysis, any need or problem known in the field and addressed by the patent can provide a reason for combining the elements in the manner claimed; *ibid*.

The instant application involves feeding stock material to a known converting apparatus. Multiple references, as provided supra, disclose feeding fan-folded stacks of sheet stock to dunnage converters as well as splicing together plies of such stacks. Furthermore, it is well known in the art to feed multiple plies of sheet stock to a single converter simultaneously from multiple sources as provided by Johnson, Harding, etc. One of ordinary skill in the art would be fully capable of recognizing the benefits of placing/positioning known stacks upon known supporting devices (ie. carts, etc.) for feeding into the known converting devices, such as reducing utilized floor space, increasing mobility, increasing length of run time, etc.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

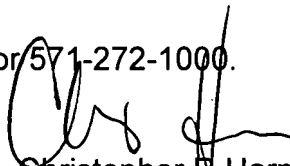
Art Unit: 3721

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Harmon whose telephone number is (571) 272-4461. The examiner can normally be reached on Monday-Friday from 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Christopher R. Harmon
Primary Examiner
Art Unit 3721